

**Amendments to the claims**

Please cancel claims 2, 5, 8 and 16-26 and amend the claims as follows.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Cancelled).
2. (Cancelled).
3. (Currently Amended) An isolated nucleotide sequence ~~that impacts fertility in plants comprising a nucleotide sequence of any of SEQ ID NOs: 1, 3, or 7 and those sequences which hybridize to the nucleotide sequences of SEQ ID NOs: 1, 3, or 7 under highly stringent conditions with a wash of 2X SSC, 0.5% (w/v) SDS, at 65°C for 30 minutes.~~
4. (Previously Amended) A plant cell transformed by the nucleotide sequence of Claim 3.
- 5-8 (Cancelled).
9. (Original) A plant transformed by a nucleotide sequence of Claim 3.
10. (Previously Amended) The plant of Claim 9, wherein the plant is maize.
11. (Previously Amended) The plant cell of Claim 4, wherein the cell is a maize cell.
12. (Currently Amended) A method of ~~impacting fertility of a plant producing a male sterile or male fertile plant~~, wherein the method comprises impacting repressing or increasing expression of a nucleotide sequence in the plant comprising the nucleotide sequence of claim 3.
13. (Currently Amended) A method of ~~impacting fertility of a plant producing a male sterile or male fertile plant~~, wherein the method comprises impacting repressing or increasing expression of a nucleotide sequence in the plant encoding the amino acid sequence of any of SEQ ID NOs: 2, or 4, or the nucleotide sequences of any of comprising SEQ. ID NOs: 1, 3, or 7 and those sequences which hybridize to any of said sequences under highly stringent conditions with a wash of 2X SSC, 0.5% (w/v) SDS, at 65°C for 30 minutes.
14. (Previously amended) The method of Claim 12, wherein the sequence expression is repressed.

15. (Previously amended) The method of Claim 12, wherein expression of the nucleotide sequence is repressed by mutation of the nucleotide sequence.

16-26 (Cancelled)

27. (Previously Amended) An expression vector comprising the nucleotide sequence of Claim 3.

28 - 30 (Cancelled)

31. (Currently Amended) A ~~P~~plant cells comprising the vector of claim 27.

32. (Currently Amended) A method of ~~impacting male fertility in a plant producing a male sterile or male fertile plant~~, wherein the method comprises introducing into a plant the expression vector of claim 27, wherein the nucleotide sequence of the vector ~~impacts male fertility of the plant produces a male sterile or male fertile plant~~.

33 (Cancelled)

34. (Original) A nucleotide sequence as represented in ATCC deposit no. 98931.

35 - 58 (Cancelled)